REMARKS

Claims 1-35 and 37-52 are pending in this application. With this response, Claims 1, 21, 26-28, 34, 37-39, and 44 have been amended, as further explained below. It is respectfully submitted that all amendments are supported by the specification and claims as filed, and no new matter has been added.

Abstract

The Abstract is amended per Examiner's recommendations.

Specification

The specification is amended by inserting appropriate heading per Examiner's recommendation.

Objection To Claims 1, 21, And 26

All of the objections to Claims 1, 21, and 26 are believed to have been resolved by the present amendments.

Rejection Of Claims 1-35 And 37-52 Under 35 U.S.C. § 112, Second Paragraph

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite due to the use of the term "may be." All instances of the use of the term "may be" have been amended as suggested by the Examiner.

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because R_4 and R_5 may be - L' -$SiR_4R_5R_{10}$ and - L' - (SiR_4R_5 L') n-SiR_1R_2-, which include R_4 and R_5 in their structures. Applicants amended Claim 1 by deleting - L' -$SiR_4R_5R_{10}$ and by adding "wherein when R_4 or R_5 is selected as - L' - (SiR_4R_5 L') n-SiR_1R_2-, the R_4 and R_5 groups attached to the silicon radical in the selected group are not themselves - L' - (SiR_4R_5 L') n-SiR_1R_2-." Support for this amendment is found in the specification on page 11, lines 17-20, which provides that "Preferably, when R_4 or R_5 is selected as -L'-(SiR_4R_5L')n-SiR_1R_2-, the R_4

and R_5 groups attached to the silicon radical in the selected group are not themselves, -L'-(SiR$_4$R$_5$L')n-SiR$_1$R$_2$-." Accordingly, withdrawal of this rejection is respectfully requested.

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because definitions of R_1, R_2, R_3 and R_5 include "-O-Z-(O)-L-", which is a divalent group while R_1, R_2, R_3 and R_5 in formula (I) are monovalent. Applicants amended Claim 1 to recite that when R_1, R_2, R_3 or R_5 are "-O-Z-(O)-L-", the group terminates with "-SiR$_1$R$_2$R$_3$ and/or -O-Z(O)-R$_7$." Support for this amendment is found in the specification on page 9, lines 21-23, which provides that "Suitably, the poly(silyl ester)s comprising a structural unit of formula (I) will terminate with the groups -SiR$_1$R$_2$R$_3$ and -O-Z(O)-R$_7$."

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because, as argued by the Examiner, the listed L group members are monovalent while the L group depicted in formula (I) is divalent. Additionally, the Examiner argued that the L group depicted in formula (II) is monovalent. The Applicants respectfully disagree with this rejection because the entirety of the disclosure of the application conveys to a person of ordinary skill in the art that the L group may be monovalent or divalent. Thus, a person of ordinary skill in the art would understand, for example, by review of the structures of formula (I) and (II), that when L group is defined as "hydrocarbyl or substituted hydrocarbyl," the provided definition also encompasses divalent hydrocarbylene and substituted hydrocarbylene. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because, as argued by the Examiner, it is not clear whether the term "or a polymer with pendant acid groups" refers to an example of the L group or of a substituent of the substituted L group. Applicants believe that the present amendment to Claim 1 obviates this rejection and it is now clear that the term "a polymer with pendant acid groups" refers to a substituent on the L group.

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because, as argued by the Examiner, the L' group cannot be L-(NR$_6$-L)$_p$, since L' is a divalent group, while L is a monovalent group. Dependent Claims 2-35 and 37-52 were rejected for the same reason. However, as explained above, the entirety of the disclosure of the application conveys to a person of ordinary skill in the art that the L group may be monovalent or divalent. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 3, 7, and 34 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because R_4 and R_5 may be - L' - (SiR_4R_5 L') n-SiR_1R_2-, which includes R_4 and R_5 in its structures. As discussed above, Applicants amended Claim 1 by adding "wherein when R_4 or R_5 is selected as - L' - (SiR_4R_5 L') n-SiR_1R_2-, the R_4 and R_5 groups attached to the silicon radical in the selected group are not themselves - L' - (SiR_4R_5 L') n-SiR_1R_2-." The added language in Claim 1 applies to Claims 3 and 7 which depend on Claim 1. Furthermore, Claim 34 was similarly amended to add "wherein when R_4 or R_5 is selected as - L' - (SiR_4R_5 L') n-SiR_1R_2-, the R_4 and R_5 groups attached to the silicon radical in the selected group are not themselves - L' - (SiR_4R_5 L') n-SiR_1R_2-." Accordingly, withdrawal of this rejection is respectfully requested.

Claims 22 and 48-50 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because, according to the Examiner, there is insufficient antecedent basis for the L group being -(CH_2)n-. Claim 22 depends on Claim 1 and Claim 1 provides that the L group may be hydrocarbyl. As explained above, the entirety of the disclosure of the application conveys to a person of ordinary skill in the art that the L group may be monovalent or divalent. Since "-(CH_2)n-" is a divalent form of hydrocarbyl, this claim term has antecedent basis in Claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 27 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because, according to the Examiner, there is insufficient antecedent basis for the term "the distilled acid product." Applicants amended Claim 27 by replacing the words "acid product" with the words "poly(silyl ester)s comprising the structural unit of the formula (1)." The support for this amendment is found, for example, in the specification on page 6, lines 8-10, which provides that the products of the invention are poly(silyl ester)s comprising a structural unit of the formula (1). The specification further provides, on page 12, lines 2-30, that the products of the invention can form a distilled acid product:

> Preferred solvents are those which cause no distillation of any of the reactants, especially those solvents which allow preferential distillation of one of the products. Thus, a more especially preferred solvent is a solvent which forms a low boiling azeotrope with the distilled acid product of the process of the invention. Still more especially preferred solvents are those which form a heterogeneous low boiling azeotrope with the distilled acid product.

Accordingly, withdrawal of this rejection is respectfully requested.

Claim 28 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because, according to the Examiner, the claimed ratio is unclear. Applicants respectfully disagree. Claim 28 provided that the ratio is "wherein the molar ratio of the reactive groups present in the polyacyloxysilyl derivative:acid is between 1:100 and 100:1." Applicants note that the term "polyacyloxysilyl derivative:acid" includes a colon which makes it clear that the ratio of "between 1:100 and 100:1" refers to the ratio of the polyacyloxysilyl derivative to the acid. However, to expedite prosecution, Applicant amended Claim 1 to provide that "wherein the molar ratio of the reactive groups present in the polyacyloxysilyl derivative to the reactive groups present in the acid is between 1:100 and 100:1."

Claim 34 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because definitions of R_1, R_2, R_4 and R_5 include "-O-C(O)-L-", which is a divalent group while R_1, R_2, R_4 and R_5 in formula (I) are monovalent. Applicants amended Claim 34 to recite that when R_1, R_2, R_4 or R_5 are "-O-C(O)-L-", the group terminates with "-$SiR_1R_2R_3$ and/or -O-Z(O)-R_7." Support for this amendment is found in the specification on page 9, lines 21-23, which provides that "Suitably, the poly(silyl ester)s comprising a structural unit of formula (I) will terminate with the groups -$SiR_1R_2R_3$ and -O-Z(O)-R_7."

It is believed that all of the Examiner's objections and rejections have been addressed and their withdrawal is respectfully requested. Applicants thank the Examiner for helpful amendment suggestions made in the April 28, 2009 Non-Final Office Action.

CONCLUSION

Applicant respectfully submits that the application is now in proper form for examination and favorable consideration. The Examiner is invited to contact the undersigned attorney for Applicant to discuss any outstanding issues.

Respectfully submitted,

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